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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Campos, et al.

Serial No.: 10/587,614

Art Unit: 4131

Filing Date : 28 July 2006

Examiner: M. Coughlin

For: **FUSED HETEROARYL DERIVATIVES FOR USE AS P38 KINASE INHIBITORS IN THE TREATMENT OF I.A. RHEUMATOID ARTHRITIS**

Commissioner for Patents
P.O. Box 1450
Alexandria, Va 22313-1450

TERMINAL DISCLAIMER

Sir:

Assignee, SmithKline Beecham Corporation of One Franklin Plaza, Philadelphia, Pennsylvania 19103, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, Application No. 10/587,614 filed 28 July 2006 for "FUSED HETEROARYL DERIVATIVES AND THEIR USE AS P38 KINASE INHIBITORS IN THE TREATMENT OF I.A. RHEUMATOID ARTHRITIS", which is the §371 national stage entry of PCT/GB2005/000281, filed 27 January 2005, filed in the names of Sebastien CAMPOS, Stephen SWANSON, and Ann WALKER as indicated by the assignments duly recorded in the United States Patent and Trademark Office at Reel 018311 and Frame 0664 on 27 September 2006. Assignee, further represents that it is the assignee of the entire right, title, and interest in and to U.S. Patent Application No. 10/587,613, filed 28 July 2006, as indicated by the assignments duly recorded in the United States Patent and Trademark Office at Reel 018312 and Frame 0762 on 27 September 2006.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and §173, as presently shortened by any terminal disclaimer, of any patent issued on prior Application No. 10/587,613. Assignee hereby agrees that any patent so granted on the instant

application shall be enforceable only for and during such period that it and any patent issued on the prior patent application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent issued on the prior patent application, as presently shortened by any terminal disclaimer, in the event that the patent issued on the prior patent application later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.

If the required fee is not filed concurrently herewith, or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account 19-2570. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account 19-2570.

The undersigned is an attorney of record.

Respectfully submitted,



Dated: 7 October 2009

By: _____

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